

REMARKS

Claims 1-4, 8-14, 18 and 19 are pending in the present application. Claims 5-7, 15-17 and 21-30 were withdrawn, with Claims 5-7 being rejoined, and Claims 1-10 were allowed. Claims 11-14, 18 and 19 were examined, and stand rejected. In response, Claim 7 is amended, no claims are cancelled and no claims are added. Applicants respectfully request reconsideration of pending Claims 1-14, 18 and 19 in view of at least the following remarks. Reconsideration and withdrawal of the rejections of record are requested in view of such amendments and the following discussion.

I. Objection to the Drawings

The Examiner has objected to the drawings because the instruction schedulers 432 of FIG. 3 are not clearly represented. In response, Applicants have amended FIG. 3 to illustrate instructions schedulers (IS) 432 (432-1, . . . , 432-N) as part of clusters 430 (430-1, . . . , 430-N). Accordingly, in view of Applicants' amendment to FIG. 3, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the drawings.

II. Objection to the Specification

The Examiner has objected to the specification for failing to comply with 37 C.F.R. §1.77(b). Applicants presume that the Examiner has objected to the lack of a "Summary of the Invention" section of the specification. However, Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention . . . should precede the detailed description." 37 C.F.R. §1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the specification since the specification is in compliance with 37 C.F.R. §1.73.

III. Claims Rejected Under 35 U.S.C. §101

The Examiner has rejected Claims 11-14 and 18-20 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

In response, Applicants have amended the Specification to remove references to the machine readable medium as including optical or electrical waves. Accordingly, in view of Applicants' amendment, Applicants respectfully submit that Claims 11-14 and 18-20, as amended, are directed to statutory subject matter. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §101 rejection of Claims 11-14 and 18-20.

IV. Allowable Subject Matter

Applicants express their gratitude to the Examiner for allowing Claims 1-10. Applicants note that Claim 7 has been amended to correct a typographic error and that no new language has been added.

CONCLUSION

In view of the foregoing, it is submitted that Claims 1-14, 18 and 19 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.


If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated : July 17, 2006

By: _____


Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF ELECTRONIC FILING
I hereby certify that this correspondence is being submitted
electronically via EFS Web on the date shown below


Marilyn Bass

July 17, 2006

Attachment: Replacement Sheet – FIG. 3